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OFFICE OF PETITIONS

In re Application of
Wisniewski et al.
Application No. 10/609,633
Filed: July 1, 2003
Attorney Docket No. Q75615

ON PETITION

This is a decision on the petition filed June 22, 2005, requesting that the above-identified application be accorded a filing date of July 1, 2003, with one drawing sheet as part of the original disclosure.

On July 1, 2003, applicants deposited the above-identified application. However, on September 3, 2003, the Office of Initial Patent Examination mailed a "Notice Of Incomplete Nonprovisional Application," requiring drawings of applicants' invention and stating that the filing date would be the date of receipt of the omitted drawings.

On October 16, 2003, applicants filed a "Response to Notice of Incomplete Nonprovisional Application," accompanied by one sheet of drawings (Figures 1-3) and a date-stamped postcard receipt, acknowledging receipt of one sheet of drawings in the USPTO on July 1, 2003. Thereafter, the Office mailed an Official Filing Receipt, indicating a filing date for the above-identified application of October 16, 2003, the date of applicants' response to the Notice.

On June 22, 2005, applicants submitted the present petition, copies of the one drawing sheet, their date-stamped postcard receipt and the Official Filing Receipt, as well as an authorization to charge the Deposit Account for the petition fee. Applicants requested that the Office correct the filing date for the above-identified application from October 16, 2003 to July 1, 2003.

The record supports applicants' assertion that the Office erroneously changed the application filing date to October 16, 2003, the date of applicants' response to the Notice. The Office sincerely apologizes for the error. Accordingly, the petition is granted. The above-identified application will be accorded a filing date of July 1, 2003, with one drawing sheet as part of the original disclosure.

The \$400.00 petition fee is unnecessary and will be refunded to Deposit Account No. 19-4880, as authorized.

The Office of Initial Patent Examination is directed to correct the filing date to July 1, 2003, using the application papers submitted on that date, and the duplicate copy of the one drawing sheet submitted on October 16, 2003. Additionally, the Office is directed to mail applicants a corrected filing receipt.

Any inquiries related to this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell
Christina Tartera Donnell
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